

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARGARITO HERNANDEZ SANTOS,
on behalf of himself, FLSA Collective Plaintiff,
and the class,

Plaintiffs,

-against-

NUVE MIGUEL CORP. d/b/a KEY FOODS and
LUIS H URGILES,

Defendants.

1:21-cv-01335(JPO)(RWL)

**DECLARATION
OF MARTIN
GARCIA**

Martin Garcia, pursuant to 28 U.S.C. § 1746, hereby declares under penalty of perjury that the following is true and correct:

1. I, Martin Garcia (incorrectly identified as Martin “[Last Name Unknown]”), am presently an employee at Key Foods supermarket located at 755 Amsterdam Avenue, New York. Therefore, I have personal knowledge of the facts stated in this Declaration.

2. I am over the age of eighteen (18) and am not a party to this action.

3. My typical work hours while at supermarket were from 12 p.m. to 8p.m. Monday through Friday. I work five days per week and typically work 40 hours per week.

4. I am a porter in the supermarket and had limited interaction with plaintiff Margarito Santos.

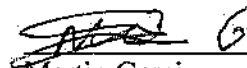
5. During my employment with Key Foods, I was never subject to any sort of “time shaving” by being required to work through my lunch breaks without compensation.

6. During my employment with Key Foods, I have never had any conversation with Margarito, or any other employee, regarding any wage notice or wage statement.

7. Further, during my employment with Key Foods, I have never spoken to Margarito, or any of my fellow co-workers, regarding my wages. I have never complained to Margarito, or any other co-worker, about either clocking out for lunch or at the end of my shift, only to be told by a manager that my assistance was required. I also never discussed with Margarito, or any other employee, about any conversation with Victor regarding me missing any pay – such conversation never took place.

8. I have read the foregoing and fully understand its contents.

Dated: New York, New York
September 16, 2021


Martin Garcia

MARTIN GARCIA